

YOSHIURA et al.
Appl. No. 10/035,159
Amendment in RCE dated September 20, 2007
Response to Office Action dated July 13, 2007

REMARKS

Upon entry of this amendment, claims 1-19, 23-31, 33, 35, 37-40 and 43 are pending. By the present amendment claims 1, 13, 23, 31, 33, 35, 37, 39 and 43 are amended and claims 20-22 are canceled without prejudice or disclaimer as to the subject matter contained therein. Favorable reconsideration of the application is respectfully requested.

The rejection of claims 1, 4-10, 12 and 37 under 35 U.S.C. §103(a) over Spear et al. (U.S. Patent No. 6,486,439, hereinafter “Spear”) in view of Blankenship et al. (U.S. Patent No. 6,624,388, hereinafter “Blankenship”) is respectfully traversed.

Without acquiescing in the rejection, it is noted that claims 1 and 37 have been amended to specifically recite that the information generating section presumes a time when life of the article required by the user device will end, and generates the purchase information at a time calculated by subtracting from the presumed time a purchase time required between transmission of the purchase information by the communication section and reception of a delivery of the article. Support for this feature may be found, for example, in the instant specification at page 30, line 24 – page 32, line 8.

It is respectfully submitted that neither Spear nor Blankenship, either singly or in combination, disclose, teach or suggest the feature of the information

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generating section that presumes a time when life of the article required by the user device will end, and generates the purchase information at a time calculated by subtracting from the presumed time a purchase time required between transmission of the purchase information by the communication section and reception of a delivery of the article.

Therefore, even if, *arguendo*, the combination of Spear and Blankenship were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 2, 3, 11, 13-31, 33, 35 and 38-40 and 43 under 35 U.S.C. §103(a) over Spear in view Blankenship, and further in view of Heimermann et al. (U.S. Patent No. 7,110,976, hereinafter "Heimermann") is respectfully traversed.

Without acquiescing in the rejection, it is noted that claims 20-22 have been canceled without prejudice, and claims 13, 23, 31, 33, 35, 39 and 43 have been amended to specifically recite that the information generating section presumes a time when life of the article required by the user device will end, and generates the purchase information at a time calculated by subtracting from the presumed time a purchase time required between transmission of the purchase information by the communication section and reception of a delivery of the article. Support for this

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feature may be found, for example, in the instant specification at page 30, line 24 –
page 32, line 8.

It is respectfully submitted that Heimermann fails to overcome the
fundamental deficiencies noted above with respect to Spear and Blankenship.
There is no teaching or suggestion in Heimermann of the claimed information
generation based on presumed time of the end of life of an article. Therefore, even
if, *arguendo*, the combination of Heimermann and Spear and Blankenship were
proper, the combination nevertheless fails to render the claimed invention obvious.
Accordingly, reconsideration and withdrawal of the rejection are respectfully
requested.


In view of the foregoing, it is respectfully submitted that the entire
application is in condition for allowance. Favorable reconsideration of the
application and prompt allowance of the claims are earnestly solicited.

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Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

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